IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 20762 of 1998

Between:

1 K.Srinivas, S/o Rama Swamy,
R/o Vijayawada.
2 K.Sivanath, S/o Rama Swamy,
R/o Vijayawada.
3 V,Koteshwara Rao, S/o Venkateshwara Rao,
R/o Vijayawada.
4 K.Sambasiva rao, S/o Venkatappaiah,
R/o Vijayawada.
5 V.Ashok Babu, S/o Purnachandra Rao,
R/o Vijayawada.
6 V.Ravindranath, S/o Purnachandra Rao,
R/o Vijayawada.
7 P.Benarji Babu, S/o Venugopala Rao,
R/o Vijayawada.

... PETITIONERS

AND

1 Govt. of Andhra Pradesh, rep. by its Secretary, Transport, Roads

& Buildings, Dept., Secretariat, Hyderabad.
2 Regional Transport Authority, rep. by its Secretary
Krishna District Vijayawada.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the Resolution of the 2nd respondent dt.22.8.97 in Item No.15 (Circulation) revising the existing compounding fee fixed under Rule-217 of

A.P.M.V.Rules, 1989, issued by the 1st respondent under Sce.95 and 96 of M.V.Act, 1988, in lieu of cancellation of suspension of permits under Sec.86 of M.V.Act, 1988 in respect of different types of irregularities committed within 24 months, as illegal, arbitrary, without jurisdiction and contrary to the provisions of M.V.Act, 1988 and rules made there under.

Counsel for the Petitioners: MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus declaring the resolution of the second respondent dated 22-08-1997 in Item No.15 (Circulation) revising the existing compounding fee fixed under Rule-217 of A.P.M.V.Rules, 1998 issued by the first respondent under Sections 95 and 96 of the M.V.Act, 1988 in respect of different types of irregularities committed within 24 months, as illegal and arbitrary.

2. It is represented by the learned counsel for the petitioners and admitted to by the learned Government Pleader for Transport that the subject matter in this writ petition is squarely covered by a judgment of this Court in reported in **Hindustan Lever Limited, Bombay V. Board of Trustees, Visakhapatnam Port Trust** .

3. Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the aforementioned judgment in to this order. No costs.

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N.V. RAMANA, J

February 23, 2005

MRR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the twenty-third day of February Two thousand and five.

Copy to:

1 The Secretary, Roads & Buildings, Dept.,Transport, Govt. of

Andhra Pradesh,

Secretariat, Hyderabad.

2 The Secretary Regional Transport Authority, Krishna District Vijayawada.

3 Two C.C. s to the G.P. for Transport, High Court Buildings,

Hyderabad (OUT)

4 Two C.D. Copies.